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FACSIMILE TRANSMITTAL

TO:	FROM:
Name: Mail Stop AMENDMENT Group Art Unit 3738/Examiner Bruce Snow	Name: Thomas H. Martin, Esq.
Firm: U.S. Patent & Trademark Office	Phone No.: 330-877-2277
Fax No.: 703-872-9306	No. of Pages (including this): 6
Subject: U.S. Patent Application No. 09/553,573 Gary K. Michelson, M.D. Filed: April 19, 2000 ARTIFICIAL HEMI-LUMBAR NON-ARCUATE INTERBODY SPINAL IMPLANT HAVING AN ASYMMETRICAL LEADING END AND METHOD FOR INSTALLATION THEREOF (as amended) Attorney Docket No. 101.0077-00000 Customer No. 22882 Confirmation No.: 3776	Date: November 30, 2004 Confirmation Copy to Follow: NO

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate; \$110 one-month extension fee to be charged to Deposit Account No. 50-1066) and Amendment are being facsimile transmitted to the U.S. Patent and Trademark Office on November 30, 2004.


Sandra L. Blackmon

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FORM PTO-1083

PATENT
Attorney Docket No.: 101.0077-00000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

Serial No: 09/553,573

Filed: April 19, 2000

For: ARTIFICIAL HEMI-LUMBAR NON-ARCuate
INTERBODY SPINAL IMPLANT HAVING AN
ASYMMETRICAL LEADING END AND
METHOD FOR INSTALLATION THEREOF
(as amended)

Confirmation No.: 3776

Art Unit: 3738

Examiner: B. Snow

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a reply to the Restriction Requirement of October 25, 2004 in the above-identified application.

☐ No additional fee is required.☒ Applicant hereby requests a one-month extension of time to respond to the above office action.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	114	-	114	0	LG=\$18 SM=\$9	\$18 \$ -0-
INDEPENDENT CLAIMS FEE	3	-	3	0	LG=\$88 SM=\$44	\$88 \$ -0-
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$300 SMALL ENTITY FEE = \$150	\$ -0-
TOTAL						\$ -0-

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

☒ A one-month extension fee in the amount of \$110.00 is to be charged to Deposit Account No. 50-1066.☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. A copy of this sheet is enclosed.☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
MARTIN & FERRARO, LLP

Date: November 30, 2004

By: Thomas H. Martin
Thomas H. Martin
Registration No. 34,383

1557 Lake O'Pines Street, NE
Hartsville, Ohio 44632
Telephone: 330-877-0700
Facsimile: 330-877-2030

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In re application of:)
Gary K. Michelson, M.D.)
Serial No.: 09/553,573) Confirmation No. 3776
Filed: April 19, 2000)
For: ARTIFICIAL HEMI-LUMBAR NON-) Group Art Unit: 3738
ARCUATE INTERBODY SPINAL) Examiner: Bruce Snow
IMPLANT HAVING AN)
ASYMMETRICAL LEADING END)
AND METHOD FOR INSTALLATION)
THEREOF (as amended)

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Commissioner for Patents
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Alexandria, VA 22313-1450

Sir:

AMENDMENT

In reply to the Restriction Requirement dated October 25, 2004, the period for reply having been extended for one month by a request for extension and fee payment filed concurrently herewith, Applicant provisionally elects to prosecute claims 1, 2, 4-34, 36-42, and 101-174 drawn to Species 1, Fig. 9A. In addition, please amend the application as follows:

Amendments to the Title begin on page 2 of this paper.

Remarks begin on page 3 of this paper.

Amendment 11-30-04